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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,783	11/13/2000	Hugo Fruehauf	48922.20001.00	7175

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EXAMINER

DADA, BEEMNET W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/711,783

Applicant(s)

FRUEHAUF ET AL.

Examiner

Beemnet W Dada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,8-13,16-18,24-27,29,38-40,47-50 and 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-13,16-18,24-27,29,38-40,47-50 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This office action is in reply to an amendment filed on September 28, 2004. Claims 1, 9, 11-13, 16, 17, 25-27, 29, 38, 39, 48, 49 and 53 are amended, Claims 6-7, 14-15, 19-23, 28, 30-37, 41-46, 51-52 and 54-60 are cancelled. Claims 1-5, 8-13, 16-18, 24-27, 29, 38-40, 47-50 and 53 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed on September 28, 2004, have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8-13, 16-18, 24-27, 29, 38-40, 47-50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones US Patent 5,412,730 in view of Kocher et al (hereinafter Kocher) US Patent 6,289,455 B1.

5. As per claims 1, 16-17, 25-26, 38-39 and 48-49, 53 Jones teaches a plurality of user communication interfaces (receiving stations) [column 1, lines 37-42 and column 2, lines 1-5] each of said communication interfaces including:

- a data receiver [figure 2, unit 113 and column 5, lines 19-23];

- a string generator [figure 1, unit 27];

- a data processor connected to said string generator [figure 1, unit 27, figure 2, unit 101, and column 4, lines 61-63]; and

- a memory connected to said string generator (i.e. the modem hardware in figure 2 connected to the receiving station of figure 1) [ figure 1, unit 27, figure 2, unit 103, and column 4, lines 61-63], said memory having stored a seed value [column 5, lines 15-19];

- a transmitting station [column 1, lines 37-42 and column 2, lines 1-5] , said transmitting station including:

- a data transmitter [column 4, lines 61-65];

- a second string generator [figure 1, unit 23];

- a second data processor connected to said second string generator (i.e. the modem hardware in figure 2 connected to the transmitting station of figure 1) [figure 1, unit 23, figure 2, unit 101, and column 4, lines 61-63]; and

- a second memory connected to said second string generator [ figure 1, unit 23, figure 2, unit 103, and column 4, lines 61-63], said second memory having stored said seed value [column 5, lines 15-19]. Jones does not explicitly teach generating data string using unique seed value for unicast data and generating data string using common seed value for multicast data. However within the same field of endeavor Kocher teaches generating data string using unique seed values (i.e., device specific key) for unicast data [column 10, lines 53-67 and column 12, lines 24-53] and generating data string using common seed value for multicast data [column 13,

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lines 10-33], which has the advantage of providing access to content to specific user or multiple users by encrypting content accordingly. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Kocher within the system of Jones in order to provide content to a specific user or group of users by generating keys accordingly.

6. As per claim 2, the combination of Jones and Kocher teaches the method as applied above. Furthermore Jones teaches the system, wherein said string generator is a pseudo-random string generator, and wherein said second string generator is a pseudo-random string generator [column 3, lines 57-60].

7. As per claim 3, the combination of Jones and Kocher teaches the method as applied above. Furthermore Jones teaches the system, wherein each of said plurality of user communication interfaces further includes a key block device [figure 1, unit 29], wherein said master station (transmitting station) further includes a second key formation device [figure 1, unit 21].

8. As per claims 4 and 5, the combination of Jones and Kocher teaches the method as applied above. Furthermore Jones teaches the system, wherein each of said plurality of user communication interfaces is connected to said master (transmitting unit) through a communication network [column 2, lines 8-12 and column 3, lines 7-10].

9. As per claims 8 -11, the combination of Jones and Kocher teaches the method as applied above. Furthermore Jones teaches the system, wherein said second memory of said

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master station (transmitting station) includes a plurality of seed values, and wherein each of said seed values stored in said memory correspond to a value stored by the memory of one of plurality of said user communication interfaces [column 2, lines 1-25 and column 10, lines 9-32].

10. As per claim 12 and 13, the combination of Jones and Kocher teaches the method as applied above. Furthermore Jones teaches the system, wherein each of said plurality of user communication interfaces further includes a data decryptor [figure 1, unit 31], and wherein said master station (transmitter station) further includes a master data encryptor [figure 1, unit 17].

11. As per claims 24 and 47, the combination of Jones and Kocher teaches the method as applied above. Furthermore Jones teaches the method further comprising the step of transmitting user address or user identification (serial number which identifies a remote hardware) [column 2, lines 8-17 and column 10, lines 9-33].

12. As per claims 29, the combination of Jones and Kocher teaches the method as applied above. Furthermore Jones teaches the method, further comprising the step of storing a user address [column 2, lines 8-17, column 10, lines 17-20].

13. As per claims 18, 27, 40 and 50, the combination of Jones and Kocher teaches the method as applied above. Furthermore Jones teaches a monitoring function for counting units of data being transmitted [column 1, lines 54-59]. However Jones does not explicitly teach determining whether to encrypt a signal and determining whether a received signal is encrypted. It would have been obvious to one having ordinary skill in the art at the time the invention was made include a method of determining whether a received signal is encrypted in order to

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transmit data that is encrypted as well as plaintext data. This would have been obvious because Jones teaches a method of monitoring transmitted data [column 1, lines 54-59].

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

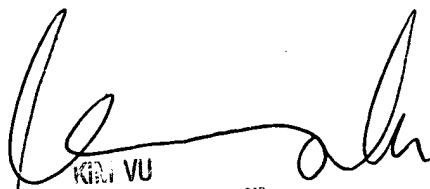
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

January 25, 2005



KIM VU  
TECHNOLOGY PATENT EXAMINER  
TECHNOLOGY CENTER 21